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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,399	09/25/2001	Tatsuo Usui	TESJ.0038	5519
38327	7590	01/13/2005	EXAMINER	
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE, SUITE 1400 FALLS CHURCH, VA 22042			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/961,399

Applicant(s)

USUI ET AL.

Examiner

LaShonda T Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Figure 1 is being discussed as Figure 2. Applicants need to change Figure 1 at the bottom of page 14 to Figure 2 and on page 15.

Appropriate correction is required.

### *Claim Objections*

2. Claims 3-5 and 24-29 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer other claims in the alternative only--, and/or, -- cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8, 20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have used a contradictory statement "and/or". Examiner will use the "or" statement.

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5. Regarding claims 3 and 29 the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

6. Regarding claims 5, 9-13 and 29, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6, 20, 22 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by DeNicola et al (hereinafter, "DeNicola", U.S. Pat. No. 6,288,753)

As per claim 1, DeNicola discloses interactive communication system and method using an image, including interactive communication means using moving image and voice by a network line (abstract, 21-50, col. 5, lines 30-48, col. 7, lines 16-29 and lines 39-60).

As per claim 2, DeNicola discloses:

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- wherein the interactive communication means is means, which can make simultaneously interactive communication with a plurality of persons (col. 7, lines 16-29, col. 10, lines 5-22 and lines 37-45).

As per claim 3, DeNicola discloses:

- wherein the interactive communication means includes interactive communication means complexly combining characters, graphics, photographs or the like (col. 7, lines 39-60, col. 10, lines 37-45 and col. 16, lines 6-25).

As per claim 4, DeNicola discloses:

- wherein the interactive communication means has a local area network (LAN), which connected to a network line (col. 8, lines 30-48 and lines 56-67).

As per claim 5, DeNicola discloses:

- wherein information by the interactive communication means is recorded recording medium such as a server system (col. 7, lines 16-29 and lines 39-56).

As per claim 6, DeNicola discloses:

- wherein the interactive communication means with one to several persons using moving image and voice by a network line makes interactive communication with only one to several persons (col. 7, lines 16-29 and col. 9, lines 24-47)

As per claim 20, DeNicola discloses an interactive communication system and method using an image, wherein a video still image showing a performance or action is displayed, and then, the instructor draw characters or/and symbol into a part of the image so that the student can understand an instructed point (col. 9, lines 24-47 and col. 10, lines 5-22).

As per claim 22, DeNicola discloses an interactive communication system and method using an image, wherein a video still image including characters or/and symbol drawn by the instructor is stored as hard copy so that the student can understand the instruction result with reference to the copy later (col. 11, lines 35-40).

As per claim 24, DeNicola discloses:

- wherein the interactive communication means with one to several persons using the moving image and voice by a network line, further includes means for storing the moving image and voice in the receiver's PC in the case where no reception is made because a receiver is absent (col. 7, lines 16-29 and col. 9, lines 24-47).

As per claim 25, DeNicola discloses:

- wherein interactive communication means with one to several persons using moving image and voice by a network line, further includes means for displaying a desired image of one to several persons displayed the PC using a wide screen (col. 9, lines 24-47 and col. 10, lines 5-22).

As per claim 26, DeNicola discloses:

- wherein the interactive communication means with one to several persons using moving image and voice by a network line, displays graphics, photographs, characters such as text paper or image information, addition to the moving image of one several persons (col. 7, lines 39-60, col. 11, lines 37-45 and col. 16, lines 6-25).

As per claim 27, DeNicola discloses:

- wherein the interactive communication means with one to several persons using moving image and voice by a network line further includes means, which composed of

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substantially one examiner for employment and qualification test and one to several examinees, and displays a test question on a predetermined portion of the examinee's PC and further, receives a test result including answers and questions from the examinee so as to take an examination from remote place col. 7, lines 16-29, col. 11, lines 37-45 and col. 13, lines 37-64):

As per claim 28, DeNicola discloses:

- wherein the interactive communication means one to several persons using moving image and voice by a network line, further includes means, which includes substantially one interpreter displayed on other PC interactive communication made in meeting, discussion, lecture and other languages or sign language by substantially one person (col. 7, lines 16-29 and col. 9, lines 24-47).

As per claim 29, DeNicola discloses:

- wherein the interactive communication means with one to several persons using moving image and voice by a network line, is capable of making transmission and reception using various mobiles such as cellular phone or the like (col. 7, lines 16-29 and col. 9, lines 24-47).

9. Claims 1-19, 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns.

As per claim 7, Burns discloses interactive communication system and method using an image, including:

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- interactive communication means one several persons using moving image and voice by a network line, various education, sports, hobbies or recreations and other living environments being instructed in the form of interactive communication of substantially one instructor with one several students (abstract, col. 2, lines 43-66, col. 4, lines 59-64 col. 5, lines 5-21 and lines 30-41).

As per claim 8, Burns discloses:

- wherein the instructor himself outputted an instructor's PC using a moving image and/or voice, and the student himself is outputted to a student's PC using same as above (col. 5, lines 42-63, col. 6, lines 37-59 and col. 7, lines 13-19).

As per claim 9, Burns discloses:

- wherein the sports include personal sports such as golf, fencing, tennis, table tennis, etc (col. 5, lines 5-21 and lines 30-36).

As per claim 10, Burns discloses:

- wherein the sports include group sports such as baseball, soccer, basketball, etc (col. 5, lines 5-21 and lines 30-36).

As per claim 11, Burns discloses:

- wherein the sports include martial arts such as sumo, wrestling, judo, boxing, etc (col. 5, lines 5-21 and lines 30-36).

As per claims 12, Burns discloses:

- wherein the sports include sports existing with nature, such as surfing, ski, skate, swimming, etc (col. 5, lines 5-21 and lines 30-36).

As per claim 13, Burns discloses:



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- wherein the sports include sports having a target, such as fishing, hunting, etc (col. 5, lines 5-21 and lines 30-36).

As per claim 14, Burns discloses:

- wherein the hobbies or recreations include igo, chess, shogi, dancing, billiard, piano, gardening, and culture and recreations (col. 5, lines 5-21 and lines 30-36).

As per claim 15, Burns discloses:

- wherein living environments include various cares, cosmetic treatment, weight training, flower arrangement (ikebana), the art of flower arrangement, cooking, etc (col. 5, lines 5-21 and lines 30-36).

As per claim 16, Burns discloses:

- wherein two images showing the instructor's performance or action and the student's performance or action are compared so that the student can understand a difference in action timing between the instructor and the student (col. 7, lines 1-28 and col. 8, lines 27-37).

As per claim 17, Burns discloses:

- wherein two images are still image, and two still images are compared so that the student can understand a difference in action between the instructor and the student (col. 9, lines 16-30, lines 47- 64 and col. 10, lines 1-16).

As per claim 18, Burns discloses an interactive communication system and method using an image, wherein one of the instructor's and student's images displayed as a moving image, and the other thereof is displayed as a still image so that the student can understand the relation (col. 9, lines 16-30, lines 47- 64 and col. 10, lines 1-16).

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As per claim 19, Burns discloses an interactive communication system and method using an image, wherein the instructor student displays the instructor's or student's sports, performance or action on PC as still image, and draws a line on the image along a basic line of body, and further, cancels the images showing the sports, performance or action, only plural basic line groups are displayed on one image in place of a moving image so that the student can understand a change of the basic line of body (col. 7, lines 36-49 and see Figures 1A-1F, 2A-2F and 4A-4F).

As per claim 21, Burns discloses an interactive communication system and method using an image, wherein a video still image showing sports, performance or action made by the student is displayed, and the displayed image is stored as hard copy so that the student can understand the instruction result with reference the copy later (col. 9, lines 16-30, lines 47- 64 and col. 10, lines 1-16).

As per claim 23, Burns discloses:

- wherein the interactive communication means with one to several persons using moving image and voice by a network line has games including igo, chess, shogi with one to several persons (col. 5, lines 5-21 and lines 30-36).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,358,053 to Rosenfield et al

U.S. Pat. No. 6,195,687 to Greaves et al

U.S. Pat. No. 5,762,552 to Vuong et al

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U.S. Pub. No. 2002/0120674 to Son et al

U.S. Pat. No. 6,463,460 to Simonoff

U.S. Pat. No. 5,823,788 to Lemelson et al

U.S. Pat. No. 5,850,250 to Konopka et al


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
January 9, 2005

  
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